Three Year Battle Ends
Judge Rules State Must Pay Over $10 Million in Unpaid Retroactive Wage Increase

On September 23, 2010 District Court Judge Alan Malott upheld an arbitrator’s decision in what is expected to result in the state paying out well over $10 million in back (retroactive) compensation to Union state employees whose raises were under-funded in 2008.

The 2008 legislature appropriated money to DFA to fund the raises clearly outlined in our Union contract. Unfortunately that language was not used. Instead the State decided to equitably distribute the allocation at a 2.5% increase for all state employees and disregarded the Union contract.

CWA 7076 took a stand on behalf of all collective bargaining unit employees and filed a.

Labor Unions’ GOTV Decides Elections

Only days left in the 2010 political campaign season and many union endorsed candidates are in tight races, especially for Governor. Labor 2010 provides a ‘get out the vote’ program for CWA Local 7076 membership to participate in prior to election day.

We’re aware of the political rallies going on around the state and we know the candidates that are running for office. The real question is: Are we doing our share and participating in events that will help support those candidates? Union friendly candidates that are looking out for working families, and keeping our state jobs safe, need our active support NOW! Contact the N.M. Labor 2010 Offices below and get involved.

CD 1 - Tiffany Fiser (AFT) (505) 489-3820, tfbifer@aol.com, 1202 Pennsylvania St NE, Albuquerque

CD 2 - Gracie Calanaco (AFT), (505) 362-0872,

Gjmenez3@hotmail.com, 138 N Main Street, Las Cruces

CD 3 - Morty Simon and Carol Oppenheimer (IBEW, AFA), (505) 660-0255simon@santafe-

newmexico.com, 1418 Cerrillos Road, Santa Fe

Rio Rancho (CD 1 and CD 3) Dan Glass (UA),(505) 977-9557, DanGlass@ualocal412.

org, 2218 Southern Blvd, Rio Rancho

Valencia County (CD 1 and CD 2) Michelle Mares (IUPAT), (505) 306-2157, cincomar@aol.

com, 328 West Main Street, Los Lunas

Participate in leafleting, phone banking and other ‘get out the vote’ activities. Help explain the difference between the candidates. I encourage each and every member of Local 7076 to join in and help elect those candidates who are labor friendly and will fight for New Mexico working families. Come join us!

Thomas Espinoza

VOTE Nov 2nd!
Your Job Depends on It!

Message From CWA 7076 President Michelle Lewis

As a public employee of 10 years and a former educator of 13 plus years who is fully committed to the citizens I serve, the choice for Governor is an easy one. I am a Native New Mexican, raised in a small community with limited resources, but rich culture and diversity, and my choice is definitive! Diane Denish, too, is a native New Mexican, she has an investment in education, and she has years of experience serving the citizens of our GREAT state, the Land of Enchantment.

Diane Denish has a proven track record supporting New Mexicans.

• Diane Denish has cast her focus on job creation and education plans;

• Denish has proposed a detailed plan to cut state budget by $450 million over five years while protecting public jobs;

• Denish promises to offer more tax credits to businesses that create new jobs in New Mexico;

• Denish will use government incentives, such as lending programs and tax credits, to encourage job creation by private businesses;

• Denish will continue programs with an emphasis on early-childhood education;

• Denish supports a state ethics commission with subpoena power that will investigate ethics violation complaints for government officials and employees.

On the 90th anniversary of the Women’s Suffrage Movement in America, New Mexico has two women contenders for governor. With all of the rhetoric and back and forth we hear and see in the media, it is no wonder many are confused on who to vote for, or even frustrated to the point of not voting. Now more than ever we must exercise that right to vote!

We have candidates on two opposite ends of the spectrum: one who supports public service workers and programs and one who will support contracting out the work of state government and cuts to vital programs. Diane Denish will champion a state government serving the working people of New Mexico where-as her opponent promises to be the champion of big money corporations. All NM State and UNM employees who are asking themselves who is committed to governing the state of New Mexico for its working people - from Farmington to Carlsbad, Animas to Raton - should know, only Diane Denish has promised to support our issues.

Michael Duran, an award winning 10-year NMED employee with exemplary performance evaluations, who has the deep respect of his co-workers, could not have imagined the trouble he had stepped into and the turn his life would take after attending a one-on-one meeting with his supervisor December 10, 2009.

Two vastly different accounts of events emerged that day leading up to Mike Duran’s termination and eventually, his vindication. CWA 7076 fought Mike’s case all the way through arbitration because an injustice had taken place; a good man’s honor and the truth were at stake.

On one hand, Mr. Duran (and his co-workers) gave testimony telling of a calm, cheerful, and conversational Duran on 12/10/2009, who attended a serious, but not cheerful, and conversational Duran on
On the other hand, one supervisor’s testimony painted an ugly picture of a man who was at an emotional edge, contemplating self-harm and violence.

The arbiter’s decision characterized some versions of the supervisor’s testimonial behavior as “inexplicable” and in the end, could not accept his account of events. The decision dictates that Mr. Duran be reinstated to his previous employment with all pay and benefits he would have received had his employment not been terminated.

At press time, the State has offered no response to the arbiter’s decision of Sept. 27, 2010. They have yet to propose when Mike may be offered his job back and the back pay he’s due. Michael Duran cannot be compensated for the stress and trauma he has endured nor has he decided whether or not he will go back and share his award winning job skills with the New Mexico Environment Department.

A quick phone call confirms that the supervisor, whose telling of events lead to such real life drama, is away from his desk and to please leave a message.

Here’s the message Union Brothers and Sisters: when you are headed for a closed door meeting with your boss to discuss disciplinary matters involving YOU or your co-workers, ask yourself, “Who is on my side to confirm what is said?” Management must prove to you, beyond a shadow of a doubt, that the meeting will NOT involve questions or discussions leading to disciplinary action. Otherwise, demand a union steward to protect your word.

Miles D Conway

Left to Right: Mike’s wife Roxanne Duran, Michael Duran and CWA 7076 Steward Gary King

Union Wins Arbitration Against WCA, The Renewed Fight for Worker’s Rights at UNM and UNM Hospital

For workers to maintain a high degree of proficiency as demanded by New Mexico taxpayers, they must have clear, objective, and measurable criteria for performance before starting their workday – not afterward. The union considers Article 17 of the Contract to outline the annual performance expectations for the specific employee.

In a hearing between the SEA-CWA Local 7076 and State of New Mexico Workers’ Compensation Administration, Arbitrator Barry J. Baroni sustained the union’s grievance against WCA management. Mr. Baroni ruled the WCA violated Article 17 in its processing and preparation of the performance evaluations for three WCA Employee Compliance officers.

The dispute between WCA management and the union focused on the interpretation of Article 17. The union claimed management must provide objective, clear, and measurable performance criteria to workers at the OUTSET of the evaluation period. Management argued these measures could be given to employees at times after the initiation of the evaluation period when convenient for management.

In this case WCA management provided the performance criteria at the end of the workers’ evaluation period. The union argued this was not good for the employee or citizens of New Mexico. We are thankful Arbitrator Baroni supported our complaint. The union believes both employees and New Mexico taxpayers are the beneficiaries of this tightened standard.

Scott Goold

UNM

For years UNM employees felt the union paid little attention to us and workers didn’t see reason to join the union, all that has changed. In March of 2009, CWA 7076 took over representing our contract at UNM, replacing CWA 7011. Local 7076 is different from the other local union. Local 7076 is a public sector local union with experience in representing public workers and understanding public sector policy.

The change is like day and night. Members and non-members alike see the difference. Members being represented through grievance’s are becoming organizers, spreading the word, and new member organizing is on a steady increase, 25% increase this past year. Workers are stepping up to become union stewards and the local is providing us with the training and mentoring we need.

Grievances are being resolved on a variety of issues from:

- Abusive Chartwells Food Service supervisor was terminated by employer after union initiated investigation
- Resolving harassment issues
- Getting workers paid for working in a higher pay grade
- Overturning and reducing some disciplinary issues

We’re now enforcing the provision of the contract that allows us to have regular Safety Committee meetings with UNM Risk Management and Labor Management Committee meetings to address concerns and issues not covered by the union contract.

We have made a lot of progress and have a lot more work to do. As workers reach out to the union we are following up with them to identify their issues, get them involved, and explain to them the importance of building power through organizing more members.

UNM Hospital

CWA 7076 took over representation duties from CWA Local 7011 just over a year ago. CWA 7076 was in a better position to devote greater resources on organizing and representation. Since taking over, a new generation of stewards have been trained, membership has jumped by over 20%, and CWA stewards and Staff Representatives have fought and won countless grievances.

Hospital administration had tried to discipline staff on false accusations, but the union stewards were able to overturn unsatisfactory appraisals and write ups. CWA Stewards have also overturned unjust suspensions and prevailed on numerous money claims filed for overtime violations.

CWA Union Stewards have initiated Labor-Management meetings, addressing the serious on-going issues of favoritism, disparate treatment, retaliation for speaking out. The union is also addressing violations of policy which effect employees’ job descriptions and duties. The union has also begun to address safety issues through an active Safety Committee.

Presently CWA 7076 Stewards are fighting several active grievances. After years of riding rough shod over worker’s rights, UNMH administration is realizing that workers have a strong union who will not shy away from the fight to restore UNMH employees’ rights.

Sue Wenzel, Adam Koontz

COPE Action Team

In a representative democracy, many voices speaking together are louder than a single voice talking alone. Just as our union contract gives us a voice on the job to improve our lives, CWA-Committee on Political Education (COPE) is the workers’ political voice to improve our communities and nation. CWA-COPE makes politics work for working families.

I am delighted about this newsletter. It’s the best way for us, bargaining unit members, to stay informed on recent and future events involving our Local and issues concerning public workers and working families. As COPE Coordinator for Local 7076, I want our members to know how COPE works.

CWA-COPE is the political action committee for the working men and women of CWA, their families and retirees. It informs and mobilizes union families, encouraging our participation in the political process and gives us a voice in policies and policy issues that affect our lives.

The benefits you and I and our families enjoy rely on public money to exist. Public money, usually in the form of taxes, is controlled by elected and appointed politicians.

Funded by the voluntary contributions of
This Interim Committee only has a few more meetings left before their report is due to the full legislature, so the members are getting down to drafting “straw bills” for consideration. They pull items out of these straw bills, which they can agree on and forward those on to the next step – which is making a recommendation. One of the main topics for this meeting was the education system and the interest in transferring financial authority from Public Education Department (PED) to the Department of Finance Authority (DFA).

The committee spent a lot of time this session dealing with questions about education. Since public education accounts for about 60% of our state budget it seems only right that our legislators would discuss this issue. There was a suggestion to fully restructure the education system and perhaps this shows that legislators have begun to realize that just graduating is not enough - graduates should also be able to read and write. Unfortunately, the Committee Members did not suggest that teachers should have any input on how to change the system. Nor do they want “advocacy groups” to get involved, and we know they will not be asking students or parents; so who does that leave to make the decisions about the education of our children?

During the public comment period, I stood up on behalf CWA, in the name of workers and working families and asked, “Who will participate in those decisions about the education system?” I thanked them for web casting the meetings and for “adding a place on the website for State workers and other citizens to provide feedback.” The governor has since blocked access to this website to state workers from work. The committee members do not seem to be getting much feedback. They asked if the Union surveys its members and they invited the union to share the results.

So I ask everyone who reads this, “have you told the legislators what you want?” Do they know that you take home less money now than two years ago because of budget cuts? That your increase in PERA deductions and benefit costs translate into less spending in our economy. That furloughs hurt your ability to make ends meet and that hurts the whole economy of NM because the State takes in less sales taxes.

Glen Carlberg

Log on to SEA-CWA.org, Click the ACTION ALERT
If you want your opinion heard go to:www.sea-cwa.org, follow the links in the ACTION ALERT to voice your concerns to your Legislators

State Owes Union Members ‘08 Raises

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grievance which eventually resulted in arbitration. CWA 7076 prevailed in the arbitration on September 25, 2009, only to have the state appeal the arbitrator’s decision to district court.

Judge Malott ruled that the state owes all collective bargaining employees who were employed for the first full pay period following July 1, 2008 retroactive back pay to the tune of the language in the contract! The ruling also orders the retroactive pay to be paid out within 30 days. Currently we are patiently waiting to see if the state will take this case to appeal or if they will “pay employees their due!” We will keep you posted on the progress being made in this case.

Public Employees Doing More for Less;
How to Win a Battle for Compensation AND Repect

Currently a majority of public employees face a 28 percent vacancy rate at work on average – nearly one vacated job for every three. Due to drastic budget tightening measures, agencies represented by CWA 7076 alone eliminated over 250 vacant union positions. In total, the state cut over 1,071 vacant classified positions and 74 government-exempt positions. Earlier this fiscal year, CWA 7076 Union members bore the strain of 798 unfilled – yet funded – positions. Following the cuts to vacant positions, CWA 7076 Union members are left with only 557 vacant, frozen, funded, and unfilled jobs. Hey, that’s only a 20 percent vacancy rate, don’t you feel better?

NO! We don’t. Workload has not been reduced. Taxpaying citizens of New Mexico demand the same services they expected on the Fourth of July. Although desks and workshops around state government may be empty, little has changed in the work place.

Today state and public leaders expect Union Brothers and Sisters to perform the duties of two to three employees. Adding insult to injury, when over-tasked employees are insufficiently super-human to accomplish these immense workloads, management disciplines the offense. Under the Union contract, this is illegal practice. If you do not know how to end this undue pressure and harassment associated with “working out of scope,” please read on.

WIN the Fight to Restore Respect and Compensation

Your Union contract, Article 25: Staffing and Workload Standards, Section 3, PROTECTS employees from being disciplined when they are unable to successfully perform unreasonably high work demands. When facing serious under staffing, in the best case scenario, supervisors and managers may switch gears and help perform the work they once directed. Unfortunately the reality is many bosses relentlessly drive front-line employees to accomplish triple-sized workloads and then punish when an employee stumbles. You could be walking into an AMBUSH! CWA 7076 Stewards represent employees to get an over-bearing supervisor off their backs and into the “working manager” mode.

Have you been directed to fulfill managerial tasks or assigned supervisory duties? Article 27: Pay, gives union-represented employees the right to trigger a DESK AUDIT. Over the past year, CWA 7076 has prevailed in five separate cases where employees received over $30,000 in pay differential, which was awarded retroactively.

Are you performing the tasks listed in a higher job classification or directing the work of a co-worker? You should be receiving between a 5-15 percent pay boost as a lead worker. To trigger a desk audit and explore your options at work, track the additional duties you have been assigned. Collect your current and historical EDAs. If needed seek union assistance to obtain your SDF/PADF/PAQ and family work group description from your HR bureau.

Upon review you may have the duties removed or continue the extra duties while receiving a fair bump in pay. The overall goal is to reduce stress in the workplace and allow employees to come to work in a positive, good mood. It is critical that CWA 7076 members feel union proud of the competent, efficient, and important work we do for our great state and the taxpayers of New Mexico.

Miles J Conway
Looking Forward: The Union Difference

Workers in the Office of the State Engineer (OSE) are nearing majority support for the Union. These folks often travel to remote areas of the state. For the past year, OSE has been mostly denying per diem even for workers who sometimes drive 4 hours or more, work a full day, and drive home in the dark. A day like this could be 16 hours or longer, including as much as 8 hours of driving. When OSE workers are folded into our contract with the state of New Mexico, denials of per diem will be hard to sustain, especially with agency specific health and safety committee composed of management and workers. Combine this with the right to file a grievance at step 2 or 3 over endangering the health and safety of dedicated workers, and that is the real meaning of The Union Difference!

Another issue, comp time/overtime, represented by contract language in Article 12 and 13 of our contract will also prove invaluable when dealing with OSE management. Current agency policy does not even follow SPO rules.

There is no accrual of comp time for either non-exempt or exempt, no time and one-half for non-exempt employees choosing comp time, and no right for them to refuse comp time as an alternative to overtime. OSE sometimes acts as if it were an independent agency separate of the state but it is not. Workers are waiting patiently for the Union to become reality and for their agency to join 10,000 other New Mexico state workers who have experienced the union difference!

There will be a definite learning curve once there is a union in OSE: management will have to undergo training and retraining. They will learn how to follow the contract language. Workers, especially shop stewards, will get sixteen hours of contract training provided by the Union. Even though a contract may be open to some interpretation, most of the language is quite clear and precise. Workers rights will finally be in black and white. The gray areas will be minimized. That’s the union difference!

— Mark Esrig

UNM Food Service Worker Vindicated

After working for UNM for 21 years as a food service worker Angelica Cordova never thought she would wake up on March 18, 2010, go to work as usual, and then be assaulted by a supervisor. But, that’s what happened.

Angelica immediately filed a police report against the supervisor. Chartwells Management claimed they put the supervisor on a 3-day suspension and had him take the UNM online sexual harassment training, but they really weren’t taking the assault complaint seriously.

“I then went to my union CWA Local 7076 and filed a grievance. Along with filing the grievance my union worked with student organizations on campus to protest outside of La Posada gathering signatures from students to call for the termination of supervisor Rosa. When I stood up and asked my union for help...management took my complaint seriously.”

Angelica Cordova, “When I stood up and asked my union for help...management took my complaint seriously.”

Scott Askey